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1

## REPORTER'S RECORD

VOLUME 1 OF 44 VOLUMES

TRIAL COURT CAUSE NO. 07-CR-885-B

- - - - - x  
 :  
 STATE OF TEXAS : IN THE DISTRICT COURT  
 :  
 VS : 138th JUDICIAL DISTRICT  
 :  
 MELISSA ELIZABETH LUCIO :  
 : CAMERON COUNTY, TEXAS  
 - - - - - x

MASTER INDEX

LISTING OF CHRONOLOGICAL AND ALPHABETICAL INDEXES		PAGES
1.	MASTER CHRONOLOGICAL -----	2-45
2.	MASTER ALPHABETICAL-JURY EMPANELMENT ---	46-50
3.	MASTER ALPHABETICAL INDIVIDUAL VOIR DIRE -	51-53
4.	MASTER ALPHABETICAL JURY WITNESSES -----	54-55
5.	MASTER INDEX JURY TRIAL EXHIBITS -----	56-58
6.	REPORTER'S CERTIFICATE -----	59

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1	<u>MASTER CHRONOLOGICAL</u>		
2	VOLUME 2		
3	CHRONOLOGICAL INDEX		
4	5/22/07	PAGE	VOL
5			
6	Gen. Announcemts.	3	2
7			
8	Brief Pause/Proceedings	3	2
9			
10	Deft. Pleads Not Guilty	5	2
11			
12	Court Sets Pretrial & Trial	6	2
13			
14	State To Prepare Order	7	2
15			
16	Adjournment	7	2
17			
18	Certificate of Court Reporter	8	2
19			
20			
21			
22			
23			
24			
25			

Adelaido Flores, Jr.  
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1	VOLUME 3		
2	PRETRIAL NO. 1		
3	JUNE 28, 2007	PAGE	VOL
4	Motion for Product./Defense	4	3
5	Appointment of Co-Counsel	6	3
6	Court's Order on M/F/Product.	7	3
7	Mot. For Discovery/Defense	11	3
8	Court's Ruling/Discovery	11	3
9	State's Notice/Death Penalty	12	3
10	Adjournment	13	3
11	Certificate of Court Reporter	14	3
12	VOLUME 4		
13	CHRONOLOGICAL INDEX		
14	8/03/07	PAGE	VOL
15	Defense Atty. Appears	4	4
16			
17	Court Sets Pretrial Date	5	4
18			
19	Court Setting Status Date	5	4
20			
21	Adjournment	6	4
22			
23	Adjournment	7	4
24			
25	Certificate of Court Reporter	7	4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## VOLUME 5

## CHRONOLOGICAL INDEX

	PAGE	VOL
8/17/07		
Court Held (In Chambers Conference)	3	5
Court Reset Case for 8/31/07.	3	5
Adjournment	3	5
Certificate of Court Reporter	4	5

## VOLUME 6

## CHRONOLOGICAL INDEX

	PAGE	VOL
9/07/07		
Discuss./CPS Docum.	3	6
Defense Response	4	6
Adjournment	5	6
Certificate of Court Reporter	6	6

Adelaido Flores, Jr.  
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1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## VOLUME 7

## PRETRIAL HEARING NO. 5

10/05/07

PAGE

VOL

NAME

DX

CX

RDX

RCX

VDX

VOL

Status Hearing

4

7

State's Response to CPS Record Production

5

7

Adjournment

5

7

Certificate of Court Reporter

6

7

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1	VOLUME 8		
2	PRETRIAL HEARING NO. 6		
3	11/02/07	PAGE	VOL
4			
5	Defendant not Present	3	8
6			
7	Discussion/Farley	3	8
8			
9	Adjournment	4	8
10	Certificate of court reporter	5	8
11	VOLUME 9		
12	PRETRIAL HEARING NO. 7		
13	11/21/07	PAGE	VOL
14			
15	Defendant present	3	9
16			
17	Court Inquires/Status	3	9
18			
19	Discussion: Defense Experts	3	9
20			
21	Atty./Difficulty w/Deft.	4	9
22			
23	Court Speaks w/Deft.	4	9
24			
25	Expert Reports/11/30/07	6	9

Adelaido Flores, Jr.  
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1	VOLUME 10		
2	PRETRIAL NO. 8		
3	1/30/08	PAGE	VOL
4			
5	Discussion: Experts	3	10
6			
7	State's Response	4	10
8			
9	Def/Requests Time	5	10
10			
11	State Requests/Spec. Venire	6	10
12			
13	Court Sets P/T Date	7	10
14			
15	Discussion: CPS records	10	10
16			
17	Adjournment	11	10
18			
19	Certificate of Court Reporter	12	10
20			
21			
22			
23			
24			
25			

Adelaido Flores, Jr.  
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1	VOLUME 11		
2	PRETRIAL NO. 9		
3	5/22/08	PAGE	VOL
4			
5	General Announcements	3	11
6			
7	Discussion: Discovery	4	11
8			
9	Discussion: Criminal Records	6	11
10			
11	Discussion: Phys. Evid.	6	11
12			
13	Court's ruling	7	11
14			
15	Discussion: CPS Cases	10	11
16			
17	Discussion: Co-Deft.	12	11
18			
19	Discussion: Deft's Mots.	15	11
20			
21	Discuss./Dr. Kuri	15	11
22			
23	Adjournment	18	11
24			
25	Certificate of Court Reporter	19	11

Adelaido Flores, Jr.  
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1	VOLUME 12		
2	CHRONOLOGICAL INDEX		
3	5/23/08	PAGE	VOL
4			
5	Discuss./Experts	3	12
6			
7	Discuss./Questionnaires	4	12
8			
9	Discuss./Experts	4	12
10			
11	State Objects/Kuri	5	12
12			
13	Discuss./Berry case	10	12
14			
15	State's Response	10	12
16			
17	Adjournment	12	12
18			
19	Certificate of Court Reporter	13	12
20			
21			
22			
23			
24			
25			

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	VOLUME 13						
2	CHRONOLOGICAL INDEX - PRETRIAL NO. 11						
3	5/27/08					PAGE	VOL
4							
5	Discuss.:Kuri					3	13
6							
7	State's Response					3	13
8							
9	Court's Ruling					3	13
10							
11	Discuss./705 (b)					4	13
12							
13	DEFENDANT'S WITNESSES:						
14	NAME	DX	CX	RDX	RCX	VDX	VOL
15	Norma G. Villanueva	7					
16	14 13						
17	Adjournment					14	13
18							
19	Certificate of Court Reporter					15	13
20							
21							
22							
23							
24							
25							

Adelaido Flores, Jr.  
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1							
2		VOLUME 14					
3		JURY EMPANELMENT					
4	5/28/09					PAGE	VOL
5							
6	Pledge of Allegiance					3	14
7							
8	Panel Sworn					3	14
9							
10	Court Covers Exemptions					5	14
11							
12	Discuss./Mot. Limine					11	14
13							
14	Examination by the Court						
15	NAME	DX	CX	RDX	RCX	VDX	VOL
16	Fernando Narjal					12	14
17	Ashley Garza					13	14
18	Mari Cabrialess					15	14
19	Jessica Dominguez					15	14
20	Vallarie Dillon					17	14
21	Duane Mishler					17	14
22	Francisco Rodriguez					18	14
23	Mari Saladero					19	14
24	Donna Del Fonner					21	14
25	Ken Soles					23	14
	Maria Longoria					24	14
	Jaime Capetillo					25	14
	Jennifer Wroten					27	14
	Janet Cortez					29	14
	Juanita Hernandez					30	14
	Mari Cabrialess					31	14
	Alicia Aguilar					31	14
	Maria Sanchez					33	14
	Robert Tamayo					34	14
	Justin Fisher					36	14

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	David Guest	37	14
	Carolina Castillo	38	14
2	Consuelo James	39	14
	Maria Rodriguez	40	14
3	Aida Castillo	41	14
	John Randolph	43	14
4	Jeffrey Gowen	45	14
	Ernest Castillo	46	14
5	David Cavazos	47	14
	Michelle Hariston	48	14
6	Evana Juarez	49	14
	Eileen Anderson	52	14
7			
8	Objection/P. Juror Excused	54	14
9	Rosa Rodriguez	54	14
	Carlos Ramirez	56	14
10	Rosa Garcia	58	14
	Veronica Rodriguez	59	14
11	Irma Velasquez	61	14
	Liliana Chavez	62	14
12	Guadalupe Garza	63	14
	Sally Smith	65	14
13	Victor Dias	65	14
	Jennifer McNabb	69	14
14	Donald Wiles	70	14
	Remo Saccani	71	14
15	Brenda De La Rosa	73	14
	Norma Jimenez	75	14
16	Elvia Atkinson	77	14
	Norma Gonzales	80	14
17	Santiago Robles	81	14
	Maria Perez	82	14
18	Maria V. Perez	82	14
	Sandra Gonzalez	83	14
19	Maria Moreno	84	14
	Juan Cantu	85	14
20	Erica Garcia	85	14
	Hector Rivera	88	14
21	Alberto Reyes	89	14
	Norma Esquivel	92	14
22	Elsa Rodriguez	94	14
	Alicia Aguilar	96	14
23	Deyanira Lopez	97	14
	Eva Gutierrez	98	14
24	Maria Barrera	99	14
	Blanca Gomez	100	14
25	Tomas Flores	102	14
	Janet De La Fuente	104	14

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	Larry Neblett	106	14
	Rosalinda Garcia	107	14
2	Elva Alvarado	108	14
	Rebecca Reyes	109	14
3	Cynthia Cruz	111	14
	Aida Gamez	112	14
4	Jessica Zamora	112	14
	Reynaldo Cantu	114	14
5	Blanca Rodriguez	115	14
	Agapita Garcia	116	14
6	Anna Singlaterry	117	14
	Laura Solis	119	14
7	Yurytzy Ruiz	120	14
	Adolfo Gomez	121	14
8	Maria Hinojosa	123	14
	Gil Matthews	125	14
9	Doris Baca	127	14
	Deanna Hinojosa	128	14
10	Diane Nichols	130	14
	Michael Leal	131	14
11	Julia Schiff	132	14
	Sara Iracheta	133	14
12	Reynaldo Limon	134	14
	Samantha Perez	135	14
13	Maria Medina	136	14
	Raquel Hinojosa	137	14
14	Jesus Robles	139	14
	Iris Casanova	140	14
15	Noe Gracia	141	14
	Elizabeth Sierra	143	14
16	Gabriela Maldonado	144	14
	Roberto Chapa	145	14
17	Vicente Torres	146	14
	Dane Stanage	150	14
18	Brandon Haecke	151	14
	Jessica Zamora	152	14
19	Nora Rosales	153	14
	Ricardo Ibarra	154	14
20	Guadalupe Garcia	156	14
	Juan Campos	157	14
21	Michelle Hubbard	159	14
	Livia Brown	160	14
22	Michelle Hubbard	162	14
	Maria Torres	162	14
23	Janett Spearman	164	14
	Robert Brown	164	14
24	Maria Barbosa	165	14
	Manuel Cruz	166	14
25	Michelle Garza	168	14
	Roxanne Silva	168	14

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	Tomas Guajardo	169	14
	Jenny De Leon	170	14
2	Susan Smith	170	14
	Denise Beauchemin	171	14
3	Carlos Rodriguez	172	14
	Miriam Leijsa	173	14
4	Gerardo Lucio	175	14
	Christina Garcia	178	14
5	Edith Ledesma	179	14
	Madeline Luaces	180	14
6	Agustin Gonzalez	182	14
	Gilberto Diaz	183	14
7	Rosa De La Cruz	183	14
	Diane Rodriguez	184	14
8	Maria Whittemore	186	14
	Debra Saldana	187	14
9	Roberta Morgan	188	14
	Bertha Campos	189	14
10	Joseph Bressler	191	14
	Elvia Flores	192	14
11	Deborah Izeta	193	14
	Carmen Silva	194	14
12	Ruby Berlanga	195	14
	Maria E. Ramirez	197	14
13	Virginia Athey	198	14
	Roland Cadena	199	14
14	Eric Estrada	200	14
	Leticia Reyna	201	14
15	Bob Mayfield	202	14
	Veronica Martinez	203	14
16	Dominga Salazar	204	14
	Victoria Martinez	206	14
17	Guadalupe Arredondo	207	14
	Charles Wuensche	208	14
18	Ana Saavedra	209	14
	Jessica Tetreau	210	14
19	Henry Hollingsworth	211	14
	Patricia Alarcon	212	14
20	Kevin Crosby	215	14
	Zachary Goodrich	216	14
21	Reynaldo Sanchez	217	14
	John Hoke	219	14
22	Rozanne Diaz	221	14
	Mark Judd	222	14
23	William Elliff	224	14
	Erica Lopez	225	14
24	Nancy Salinas	226	14
	Jenny Anzaldua	227	14
25	John Todd	229	14
	Aida Garcia	230	14

1	Norma Rodriguez	231	14
	Carmela Petraitis	232	14
2	Antonia Campbell	234	14
	Rodney Huff	235	14
3	Maria T. Cantu	236	14
	Jaime Capetillo	240	14
4			
5	Discuss./in re: PM Capetillo	242	14
6			
7	Defendant Objects	242	14
8			
9	General Voir Dire	249	14
10			
11	Court Reads Reasonable Doubt Definition	251	14
12	Irma Corker	254	14
	Sandra Rodriguez	256	14
13			
14	Court Reads State's Witness List	260	14
15	Maria Cruz	262	14
	Arturo Gonzalez	264	14
16	Reynaldo Limon	266	14
	Brandon Haeke	269	14
17	Rosa Cruz	273	14
	Delia Contreras	277	14
18	Yolanda Torres	280	14
	Cynthia Vargas	281	14
19			
20	Defense Witnesses Read by Court	282	14
21			
22	Jurors who Know Def. Witnesses	284	14
23	Lisa Rios	285	14
	Daniel Villalon	287	14
24	Debra Canales	291	14
	Laura Rosales	293	14
25	Olga Ramirez	295	14
	Rosita Leal	296	14

1	Peter Lounsbery	300	14
	Anibel Cestero	304	14
2	Erminio Cruz	305	14
	Reynaldo Cantu	307	14
3	Blanca Gomez	308	14
	Maria Cruz	310	14
4	Alejandria Ortiz	311	14
	Reymundo Garcia	313	14
5	Maria Martinez	314	14
	Patricia Sorrels	315	14
6	Blake Hubbard	316	14
	Reynaldo Sanchez	318	14
7	Maria Atkinson	321	14
	Manuel Velasquez	322	14
8	Janett Spearman	323	14
	Nancy Ramirez	324	14
9	Rogenna Robinson	325	14
	Brandon Haecke	326	14
10	Roberto Hinojosa	327	14
	Rosa Hinojosa	329	14
11	Jaime Gomez	330	14
	Jose Fiscal	331	14
12	Jose Reyes	332	14
	Selena Hernandez	333	14
13	Alberto Reyes	334	14
	Victor Olvera	335	14
14	Lucia Cardenas	337	14
	Cynthia Cruz	338	14
15	Daniel Villalon	339	14
	Roy Duncan	340	14
16	Roberto Hinojosa	341	14
	John Randolph	343	14
17	Pedro Cadena	344	14
	Marino Degorostiza	346	14
18	Marlo Matz	348	14
	Yurytzy Ruiz	349	14
19	Julia Schiff	350	14
	Noe Gracia	352	14
20	Adolfo Gamez	353	14
	Larry Neblett	355	14
21	Raquel Hinojosa	356	14
	Miriam Leija	357	14
22	Rolando Martinez	358	14
	Johnny Galvan	361	14
23	Jesus Jalomo	362	14
	Jose Guerrero	363	14
24	Leslie Sanchez	365	14
	John Todd	366	14
25	Mario Saavedra	368	14
	Susan Smith-Lingo	369	14

Adelaido Flores, Jr.  
 Certified Shorthand Reporter



1	Manuel Flores	370	14
	Paul Chapman	371	14
2	Julio Colunga	372	14
	Juan Garcia	373	14
3	Martha Atkinson	374	14
4	Adjournment	378	14
5			
6	Certificate of Court Reporter	379	14
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	VOLUME 15		
2	INDIVIDUAL VOIR DIRE - DAY ONE		
3	6/02/08	PAGE	VOL
4			
5	Defendant Not Present	4	15
6	State's Mot. Dismiss	4	15
7	State's Mot./Strike Panel	5	15
8	Deft's Response	6	15
9	Defendant Present	7	15
10	Defendant's Response	8	15
11	Court's Response	8	15
12	State's Response	8	15
13	Defendant's Response	9	15
14	Court's Ruling	11	15
15	Court's Ruling	13	15
16	Discuss./Mot. Limine	14	15
17	Ruling-Mot. in Limine	14	15
18	Discuss. Criminal Records/Witnesses	15	15
19	Deft's Discuss./CPS Records	16	15
20	Ruling/CPS Records	16	15
21	Further Ruling/CPS	17	15
22	Deft's Mot./New Photos	18	15
23	Further Ruling/New Pictures	18	15
24	Instructions by the Court	19	15
25			

1	VOLUME 15			
2	CHRONOLOGICAL INDEX			
3	6/02/08		PAGE	VOL
4	Discuss./Reasonable Doubt Issue		178	15
5	Adjournment		223	15
6	Certificate of Court Reporter		224	15
7				
8	NAME	STATE	DEFENSE	VOL
9	Jorge Sandoval, Jr.	21	44	15
10	State Objects to Deft's Question		47	15
11	Jorge Sandoval, Jr.	59		15
12	Defense Exercise PC#1		63	15
12	Teresa M. Mason	66	87	15
13	State Objects to Question		90	15
14	Court's Ruling: Objection		91	15
15	PM Excused by Agreement		98	15
16	Instructions by the Court		98	15
17	Julian Castillo	101		15
18	PM Castillo Excused for Cause		105	15
18	Erica Lopez	109		15
19	PM Lopez Excused/Agreed		123	15
20	Yolanda Torres	127		15
21	PM Torres Excused/Agreed		129	15
21	C.M. Conway	133	155	15
22	Deft's Challenge Granted		169	15
23	Donald R. Wiles	174		15
24	PM Wiles Excused by Agreement		177	15
24	Patricia Salinas	182	210	15
25	Sandoval, Jorge Jr.	21	44	15

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	VOLUME 16			
2	INDIVIDUAL VOIR DIRE - DAY 2			
3	6/03/08		PAGE	VOL
4	State Tenders Photos		3	16
5	NAME	STATE	DEFENSE	VOL
6	Erminio Cruz	7	22	16
7	Luis De La Garza	39	61	16
8	State's Challenge/Granted		71	16
9	Defense Objects to Court's Voir Dire		71	16
10	Christopher Champion	76	90	16
11	Diana Parras	104	108	16
12	Forrest Walker	116	129	16
13	Eric Villarreal	143	158	16
14	Juror No. 1/Cruz		32	16
15	State Objections to Question		92	16
16	State's Motion/Granted		98	16
17	State's PC Granted/PM Champion		100	16
18	State's PC Granted/Parras		109	16
19	Agreed Strike/Saavedra		111	16
20	Agreed Strike/Huff		111	16
21	State Exercises PS/Walker		137	16
22	Defendant's PC Granted/Villlarreal		175	16
23	Adjournment		175	16
24				
25	Certificate of Court Reporter		176	16

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	VOLUME 17			
2	INDIVIDUAL VOIR DIRE - DAY 3			
3	6/04/08		PAGE	VOL
4	Defendant Present		3	17
5	NAME	STATE	DEFENSE	VOL
6	Joe Garza	7	10	17
7	State's PC Granted/Garza		14	17
	Donald Brotzman	19	24	17
8	Donald Brotzman	29		17
	Pablo Mata	38	54	17
9	Emma Gonzalez	68	85	17
	Emma Gonzalez	100		17
10	Defendant Present		107	17
11	Ambroisa Cabriaes	111		17
12	Agreed Strike/Cabriaes		117	17
	William Elliff	121		17
13	Juan Campos	130		17
	Leticia Reyna	138	147	17
14				
15	Defense Objects		14	17
16				
17	State's PC Granted/Brotzman		33	17
18				
19	Juror No. 2/Mata		61	17
20				
21	Discuss./Record/Juror 2		63	17
22				
23	Defense Objects/Court's Question		92	17
24				
25	State Exercises 2nd PS/Gonzalez		103	17

1			
2	Juror No. 2 Mata/Struck	106	17
3			
4	Agreed Strike/Elliff	125	17
5			
6	Agreed Strike/Campos	133	17
7			
8	Defendant Exercises 2nd PS/Reyna	160	17
9			
10	Adjournment	161	17
11			
12	Certificate of Court Reporter	162	17
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1	VOLUME 18			
2	INDIVIDUAL VOIR DIRE - DAY 4			
3	6/05/08			
4	NAME	STATE	DEFENSE	VOL
5	Irma Navarro	9	21	18
6	Roberta Morgan	40	52	18
7	Fernando Perez	60	72	18
8	Alejandro Saldivar	83	97	18
9	Juror No. 4/Saldivar		102	18
10	Christopher Camacho	109	122	18
11	Guadalupe Jimenez	131	152	18
12	PM Alvear Excused/Agreed		161	18
13	Nancy Galvan	166	190	18
14	Anna Aguilar	206	218	18
15	State Objects/Question		226	18
16	Leonel Zuniga	242	255	18
17	Questions by Court/Zuniga		263	18
18	Defense Exercises 4th PS/Zuniga		266	18
19				
20	Discussing Jurors 39 & 40		3	18
21				
22	Juror No. 2/Navarro		34	18
23				
24	Defendant Exercises 3rd PS/Morgan		54	18
25				
26	Juror No. 3/Perez		76	18
27				
28	Agreed Strike/Camacho		125	18
29				

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	State Exercises 3rd PS	159	18
2			
3	State Exercises 4th PS/Galvan	201	18
4			
5	Defense PC Granted/Aguilar	237	18
6			
7	Certificate of Court Reporter	268	18
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

Adelaido Flores, Jr.  
Certified Shorthand Reporter



1	VOLUME 19			
2	INDIVIDUAL VOIR DIRE - DAY 5			
3	6/06/08		PAGE	VOL
4	NAME	STATE	DEFENSE	VOL
5	Sylvia Garcia	8	24	19
6	Alonzo Najera	34	52	19
7	Court Asks Question/Najera		66	19
8	Bertha Campos	76	80	19
9	State's PC Granted/Campos		85	19
9	Neil Robertson	91	117	19
10	State Exercises 5th PS/Robertson		119	19
11	Johnny Galvan	125	144	19
11	Diana Rodriguez	155		19
12	Defense Exercises 5th PS/Garcia		29	19
13				
14	Deft's PC Granted/Najera		69	19
15				
16	Defendant Objects/Question		112	19
17				
18	Court's Ruling/Sustained		112	19
19				
20	Juror No. 5/Galvan		149	19
21				
22	PM Rodriguez/Agreed Strike		159	19
23				
24	Adjournment		159	19
25	Certificate of Court Reporter		160	19

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1				
2		VOLUME 20		
3		INDIVIDUAL VOIR DIRE - DAY 6		
4	6/09/0			
5	NAME	STATE	DEFENSE	VOL
6	Melissa Quintanilla	7	22	20
7	Juror No. 6/Quintanilla		25	20
8	Leonardo Rivera	32	52	20
9	Esperanza Fuentes	62	80	20
10	Roger Brown	89	107	20
11	Agreed Strike/PM Brown		111	20
12	Pedro Cadena	115	131	20
13	Donald Jones	140		20
14	Alexandria Garza	149		20
15				
16	Further Instructions by the Court		54	20
17				
18	State Exercises 6th PS/Rivera		56	20
19				
20	Defendant Exercises 6th PS/Fuentes		84	20
21				
22	Agreed Strike/PM Cadena		134	20
23				
24	Agreed Strike/PM Jones		142	20
25				
26	Agreed Strike/PM Garza		167	20
27				
28	Adjournment		168	20
29	Certificate of Court Reporter		169	20

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1	VOLUME 21			
2	INDIVIDUAL VOIR DIRE - DAY 7			
3	6/10/08			
4	Defendant Present		3	21
5	Discuss./Schedule of Jurors		4	21
6	NAME	STATE	DEFENSE	VOL
7	Ernestina Espinoza	11	32	21
8	Jose Mares	49	58	21
9	Further Instructions by Court/Mares		64	21
10	State's PC Granted/Mares		68	21
11	Karen Smith	73	89	21
12	Agreed Strike/Smith		94	21
13	Jose Galvan	102	118	21
14	Defendant Present		121	21
15	Olivia Castillo	125	139	21
16	Defendant Exercises 7th PS/Castillo		145	21
17	Rosaena De Leon	151	170	21
18	Juror No. 8/De Leon		176	21
19	Yolanda Trevino	182	202	21
20	State's Challenge Granted/Trevino		219	21
21	Juan Cantu	224	244	21
22	Defendant's PC Granted/Cantu		248	21
23	Belinda Elizardi	254	271	21
24	Defendant's PC Granted/Elizardi		282	21
25	Maria Korab	290		21
	Agreed Strike/Korab		296	21
	Juror No. 7/Espinoza		42	21
	State Exercises 7th PS		120	21
	Adjournment		298	21
	Certificate of court reporter		299	21

1	VOLUME 22			
2	INDIVIDUAL VOIR DIRE - DAY 8			
3	6/11/08		PAGE	VOL
4				
5	Defendant Present		3	22
6	NAME	STATE	DEFENSE	VOL
7	Ernestina Soto	7	32	22
8	Defense Objects/Question		25	22
9	Defendant Exercises 8th PS/Soto		46	22
10	Paulina Loya	52		22
11	Agreed Strike/Loya		61	22
12	Isabel Fuentes	67	74	22
13	Agreed Strike/Fuentes		76	22
14	Jonathan Ayala	81	94	22
15	Defendant Exercises 9th PS/Ayala		106	22
16	Agreed Strike/A.W. Trevino		108	22
17	Defendant Present		108	22
18	Ana Gamez	114		22
19	Agreed Strike/Gamez		119	22
20	Martha Barbosa	125		22
21	Agreed Strike/Barbosa		132	22
22	Victor Dias	137		22
23	Agreed Strike/Dias		142	22
24	Eloy Abrego	148	165	22
25	Defendant's PC Granted/Abrego		176	22
	Adjournment		177	22
	Certificate of Court Reporter		178	22

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Certified Shorthand Reporter

1	VOLUME 23			
2	INDIVIDUAL VOIR DIRE - DAY 9			
3	6/12/08		PAGE	VOL
4				
5	NAME	STATE	DEFENSE	VOL
6	Gil Matthews	8	12	23
7	Agreed Strike/Matthews		14	23
8	Graciela Marroquin	19	40	23
9	State Exercises 8th PS/Marroquin		52	23
10	Defendant Present		53	23
	Rolando Gonzalez	59	79	23
11	Juror No. 9/Gonzalez		85	23
12	Laura Reyna	93	116	23
13	Agreed Strike/Reyna		123	23
14	Defendant Present		124	23
	Beatriz Torres	129	149	23
15	Dicussion/Exculpatory		150	23
16	Agreed Strike/Torres		151	23
17	Phebe Russell	158		23
18	Agreed Strike/Russell		161	23
	Jose Trevino	167		23
19	Agreed Strike/Trevino		173	23
20	John Woodall	179	198	23
21	Further Instructions		203	23
22	State Exercises 9th PS/Woodall		205	23
23	Adjournment		206	23
24	Certificate of Court Reporter		207	23
25				

1	VOLUME 24			
2	INDIVIDUAL VOIR DIRE - DAY 10			
3	6/13/08		PAGE	VOL
4				
5	NAME	STATE	DEFENSE	VOL
6	Gilberto Diaz	8		24
7	Agreed Strike/Diaz		16	24
8	Eladio Guajardo	22	47	24
9	Agreed Strike/Guajardo		53	24
10	Defendant Present		54	24
11	David Gomez	59	77	24
12	Further Instructions		85	24
13	Agreed Strike/Gomez		88	24
14	Yolanda Bonilla	95		24
15	Agreed Strike/Bonilla		100	24
16	Defendant Present		100	24
17	David Trevino	105		24
18	Agreed Strike/Trevino		112	24
19	Maria Rivera	119	123	24
20	Agreed Strike/Rivera		129	24
21	Ernesto Rodriguez	135		24
22	Agreed Strike/Rodriguez		139	24
23	Mary Wooten	146	167	24
24	Defendant Exercises 10th PS/Wooten		178	24
25	Adjournment		180	24
	Certificate of Court Reporter		181	24

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	VOLUME 25			
2	INVIDUAL VOIR DIRE - DAY 11			
3	6/16/08		PAGE	VOL
4	Defendant Present		3	25
5	NAME	STATE	DEFENSE	VOL
6	Miguel Alegria	8	27	25
7	Agreed Strike/Alegria		32	25
8	Constance Poland	37	64	25
9	Juror No. 10/Poland		69	25
10	Roberto Gutierrez	75	84	25
10	Roberto Gutierrez (Further IVD)	92		25
11	State Exercises 10th PC/Gutierrez		94	25
12	Ricardo Cavazos	100		25
13	Agreed Strike/Cavazos		104	25
13	Leslie Sanchez	109		25
14	Agreed Strike/Sanchez		112	25
15	Maud Jidestig	118		25
16	Agreed Strike/Jidestig		121	25
16	Jeffrey Haley	127	147	25
17	Defendant Exercises 11 PS/Haley		158	25
18	Guadalupe Garcia	163	166	25
18	Guadalupe Garcia (Further IVD)	171		25
19	State Exercises 11th PS/Garcia		178	25
20	Mike Garza	184		25
20	Mike C. Garza		204	25
21	Defendant's PC Granted/Garza		213	25
22	Kevin Crosby	219		25
23	Agreed Strike/Crosby		223	25
24	Adjournment		224	25
25	Certificate of Court Reporter		225	25

Adelaido Flores, Jr.  
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1	VOLUME 26			
2				
3	INDIVIDUAL VOIR DIRE - DAY 12			
4	6/17/08		PAGE	VOL
5				
6	NAME	STATE	DEFENSE	VOL
7	Mark Mendoza	8		26
8	Agreed Excuse/Mendoza		10	26
9	Yolanda Bisco	16	41	26
10	State's PC Granted/Bisco		46	26
11	Roy Olivarez	52		26
12	Agreed Strike/Olivarez		56	26
13	Minerva Lopez	62		26
14	State's PC Granted/Lopez		85	26
15	Sally Smith	90	105	26
16	Defendant Exercises 12th PS/Smith		110	26
17	Santiago Robles	116	135	26
18	State Exercises 12 PS/Robles		139	26
19	Florence Huff	145	172	26
20	Defendant Exercises 13th PS/Huff		184	26
21	Luis Esparza	192	208	26
22	Defendant Exercises 14th PS/Esparza		213	26
23	Elida Garcia	219		26
24	State's PC Granted/Garcia		224	26
25	Guadalupe Garza	230		26
	Agreed Strike/Garza		235	26
	State's Discussion/CPS Records		235	26
	Adjournment		237	26
	Certificate of Court Reporter		238	26

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1	VOLUME 27			
2	INDIVIDUAL VOIR DIRE - DAY 13			
3	6/18/08		PAGE	VOL
4	Defendant Present		3	27
5	NAME	STATE	DEFENSE	VOL
6	Gloria Garcia	8	27	27
7	Juror No. 11/Garcia		32	27
8	Discussion/Order of Jurors		33	27
9	Ramiro Ramos	40	56	27
10	Juror No. 12/Ramos		60	27
11	Agreed Strike/Burnias		65	27
12	Maricruz Cardoza	71	93	27
13	State's PC Granted/Cardoza		96	27
14	Agreed Strike/Aguirre		97	27
15	Agreed Strike/Fiscal		98	27
16	Agreed Strike/Jimenez		98	27
17	Guadalupe Luna	105		27
18	Guadalupe Luna, Jr.		127	27
19	Defendant's PC Granted/Luna		134	27
20	Agreed Excuse/Cespedes		136	27
21	William Anderson	141	161	27
22	Discuss. in re: Late Juror		165	27
23	State Exercises PS#13/Anderson		165	27
24	Herbert Houston	172		27
25	Agreed Strike/Houston		182	27
	Adjournment		182	27
	Certificate of court reporter		183	27

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1	VOLUME 28			
2	INDIVIDUAL VOIR DIRE - DAY 14			
3	6/23/08		PAGE	VOL
4	NAME	STATE	DEFENSE	VOL
5	Juan Lozano	8		28
6	Agreed Strike/Lozano		11	28
7	Bernabe Cruz	17		28
8	Agreed Strike/Cruz		24	28
9	Richard Weaver	30	42	28
10	Agreed Strike/Weaver		46	28
10	Kimberly Mireles	52		28
11	Agreed Strike/Mireles		81	28
12	Susan Ortega	87		28
13	Agreed Strike/Ortega		92	28
13	Roberto Chapa	98	117	28
14	Defendant Exercises Last PS/Chapa		122	28
15	Maricela Hernandez	129	142	28
16	Alternate Juror No.1/Hernandez		154	28
16	Israel Sandoval	163	179	28
17	Defendant Exercises PS/Alternate		183	28
18	Maria Sandoval	189	193	28
18	Maria Sandoval	197		28
19	Agreed Strike/Sandoval		205	28
20	Minerva Rubalcava	212		28
21	Agreed Strike/Rubalcava		221	28
21	Ana Mendoza	227		28
22	Agreed Strike/Mendoza		230	28
23				
24	Adjournment		233	28
25	Certificate of Court Reporter		234	28

Adelaido Flores, Jr.  
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1	VOLUME 29			
2	INDIVIDUAL VOIR DIRE - DAY 29			
3	6/24/08	PAGE		VOL
4	NAME	STATE	DEFENSE	VOL
5	Emma Molina	8	24	29
6	Juror Selected (2nd Alternate)/Molina		28	29
7				
8	Adjournment		30	29
9				
10	Certificate of Court Reporter		31	29
11	VOLUME 30			
12	CHRONOLOGICAL INDEX - PRETRIAL NO. 12			
13	6/24/08	PAGE		VOL
14				
15	(Defendant & Attorneys Present		3	30
16				
17	Discussion/CPS Records		3	30
18				
19	STATE'S WITNESSES:			
20	NAME	DX	CX	RDX
21				RCX
22	Examination by the Court			VDX
23	Joanne Estrada	11		
24	Adjournment			
25	Certificate of Court Reporter			

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1							
2	VOLUME 31						
3	CHRONOLOGICAL INDEX - PRETRIAL NO. 13						
4	6/25/08					PAGE	VOL
5	Discussion CPS records/Zavala					4	31
6	Discussion w/CPS Attorney Smith					6	31
7							
8	DEFENDANT'S WITNESSES:						
9	NAME	DX	CX	RDX	RCX	VDX	VOL
10	Luis Zavala	12					31
11	State Puts CPS on Notice					12	31
12							
13	Court's Ruling/CPS Records					15	31
14							
15	Discussion/Farley					15	31
16							
17	Plea Bargaining Discussion					17	31
18							
19	Court Speaks Directly to Defendant Lucio					18	31
20							
21	State's Offer to Defendant					21	31
22							
23	Discussion 404 Notice					21	31
24	Adjournment					22	31
25	Certificate of Court Reporter					23	31

Adelaido Flores, Jr.  
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1	VOLUME 32						
2	JURY TRIAL - DAY ONE						
3	6/30/08					PAGE	VOL
4	Invocation Of The Rule					3	32
5	Discussion: Daubert Mot.					4	32
6	Motion in Limine					7	32
7	Jury Sworn in					8	32
8	Court's Instructions					8	32
9	Indictment Read					13	32
10	Opening Statements by Mr. Padilla					14	32
11	Opening Statements by Mr. Gilman					18	32
12	STATE'S WITNESSES:						
13	NAME	DX	CX	RDX	RCX	VDX	VOL
14	Rebecca Cruz	24				36	32
15	Deft's. Mot./3822					49	32
16	Court's Ruling in re: Tapes					52	32
17	Deft. Objects/Exculpatory					62	32
18	STATE'S WITNESSES:						
19	NAME	DX	CX	RDX	RCX	VDX	VOL
20	Alfredo Vargas, MD	69	79	86	87		32
21	Rebecca Cruz	88					
22	Adjournment					92	32
23	Certificate of Court Reporter					92	32
24							
25							

Adelaido Flores, Jr.  
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VOLUME 33							
JURY TRIAL - DAY 2							
7/01/08						PAGE	VOL
STATE'S WITNESSES:							
NAME	DX	CX	RDX	RCX	VDX	VOL	
Rebecca Cruz	4	16	47	54		33	
Jaime Palafox	63	71	72			33	
Robert Mendiola	74	78				33	
Randall Nester	80	94				33	
David Mendoza	96					33	
Victor Escalon	108	126	133	136		33	
Victor Escalon			138			33	
Javier Villarreal	143	155			151	33	
Court Ex. 1 (to be sealed)					162	33	
Joanne Estrada	163	178				33	
Adjournment					197	33	
Certificate of Court Reporter					198	33	

1  
2  
3  
4  
5  
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15  
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21  
22  
23  
24  
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VOLUME 34							
JURY TRIAL - DAY 3							
7/03/08						PAGE	VOL
Court's Discussion/Alvarez DVD						3	34
STATE'S WITNESSES:							
NAME	DX	CX	RDX	RCX	VDX	VOL	
Norma J. Farley, MD	5	52	58		43	34	
Norma J. Farley, MD					44		
State Rests						60	34
Motion for Instructed Verdict						61	34
Adjournment						62	34
Certificate of court reporter						63	34

1  
2  
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11  
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16  
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21  
22  
23  
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VOLUME 34							
JURY TRIAL - DAY 3							
7/03/08						PAGE	VOL
Court's Discussion/Alvarez DVD						3	34
STATE'S WITNESSES:							
NAME	DX	CX	RDX	RCX	VDX	VOL	
Norma J. Farley, MD	5	52	58		43	34	
Norma J. Farley, MD					44		
State Rests						60	34
Motion for Instructed Verdict						61	34
Adjournment						62	34
Certificate of court reporter						63	34



1							
2		VOLUME 35					
3		JURY TRIAL - DAY 4					
4	7/07/08					PAGE	VOL
5	STATE'S WITNESSES: (DAUBERT MOTION.)						
6	NAME	DX	CX	RDX	RCX	VDX	VOL
7	Jose Kuri, MD	3	9	14			35
8	DEFENDANT'S WITNESSES:						
9	NAME	DX	CX	RDX	RCX	VDX	VOL
10	Jose Kuri, MD	19	44	85			35
11	Deft.Objts/Court's Demnr.					91	35
12	Sonia V. Chavez	93	100	111	114		35
13	DEFENDANT'S WITNESSES: (DAUBERT MOTION)						
14	NAME	DX	CX	RDX	RCX	VDX	VOL
15	Norma Villanueva	128	130				35
16	DEFENDANT'S WITNESS: (BILL OF PARTICULARS NO. 1)						
17	NAME	DX	CX	RDX	RCX	VDX	VOL
18	Norma Villanueva	141					35
19	DEFENDANT'S WITNESSES:/DAUBERT MOTION						
20	NAME	DX	CX	RDX	RCX	VDX	VOL
21	Joanne Estrada	145	150	35	184	172	35
22	DEFENDANT'S WITNESSES:						
23	NAME	DX	CX	RDX	RCX	VDX	VOL
24	Joanne Estrada	154	177	182			
25	Both sides closed					192	35

1	VOLUME 35						
2	JURY TRIAL - DAY 4						
3	7/07/08					PAGE	VOL
4							
5	DEFENDANT'S WITNESS: (BILL OF PARTICULARS NO. 2)						
6	NAME	DX	CX	RDX	RCX	VDX	VOL
7	John E. Pinkerman	194					35
8	Certificate of Court Reporter					197	35
9	VOLUME 36						
10	JURY TRIAL - DAY 5						
11	7/08/08					PAGE	VOL
12							
13	Objections to Charge					3	36
14							
15	Court's Ruling/Charge					12	36
16							
17	Closing Arguments by MRS. DE FORD					16	36
18	Closing Arguments by MR. GILMAN					23	36
19	Closing Arguments by MR. PADILLA					39	36
20	Jury Notes:1 & 2					60	36
21							
22	Jury Polled					64	36
23	Adjournment					66	36
24	Certificate of Court Reporter					67	36
25							

1							
2		VOLUME 37					
3		PUNISHMENT PHASE - DAY 6					
4	7/09/08				PAGE	VOL	
5							
6	Defendant Present				3	37	
7							
8	Opening Statements by MR. VILLALOBOS				7	37	
9							
10	Opening Statements by MR. GILMAN				10	37	
11							
12	STATE'S WITNESSES: (PUNISHMENT PHASE)						
13	NAME	DX	CX	RDX	RCX	VDX	VOL
14	A.P. Merrillet	11	31	37	38		37
15	Joanne Estrada	39	67	78	80		37
16	Wendy Anaya	87	91			90	37
17	Alfonsa Castillo	92	105				
18	Carlos J. Borrego	115	127			120	
19	June Thompson	128	138	144			37
20	Norma J. Farley, MD	149					37
21	Mot./Instr. Verdict					165	37
22							
23	DEFENDANT'S WITNESSES:						
24	NAME	DX	CX	RDX	RCX	VDX	VOL
25	Norma Villanueva	173	219				37
26	Adjournment					236	37
27							
28	Certificate of Court Reporter					237	37

Adelaido Flores, Jr.  
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1							
2		VOLUME 38					
3		JURY TRIAL - PUNISHMENT (CONCLUDING)					
4	7/10/08				PAGE	VOL	
5							
6		DEFENDANT'S WITNESSES: (PUNISHMENT PHASE - CONTINUED)					
7	NAME	DX	CX	RDX	RCX	VDX	VOL
8	Norma Villanueva		3	55	57		38
9	Pinkerman, John E.	60					
10	John E. Pinkerman		81	133	135		38
11	Discussion/Charge					108	38
12	John E. Pinkerman			136			38
13	Both sides closed					137	38
14	Closing Arguments by MRS. DE FORD					142	38
15	Closing Arguments by MR. CORDOVA					148	38
16							
17	Closing Arguments by MR. GILMAN					151	38
18							
19	Closing Arguments by MR. PADILLA					158	38
20							
21	Closing Arguments by MR. VILLALOBOS					168	38
22							
23	Jury's Verdict					173	38
24	Adjournment					177	38
25	Certificate of Court Reporter					178	38

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1	VOLUME 39					
2	SENTENCING HEARING					
3	7/22/08			PAGE	VOL	
4						
5	Discussion/Barry Case			3	39	
6						
7	Defense Requests Life			3	39	
8						
9	Court Imposes Death Sentence			3	39	
10	Adjournment			4	39	
11	Certificate of Court Reporter			5	39	
12	VOLUME 40					
13	MOTION/DISQUALIFICATION OF COUNSEL					
14	OCTOBER 3, 2008			PAGE	VOL	
15	NAME	DX	CX	RDX	RCX	VDX VOL
16	Cordova Appearance for Defendant					4 40
17	State's Motion to Disqualify Counsel					5 40
18	Defense Response to State's Motion					7 40
19	Inquiries to the Defendant by the Court					8 40
20	Waiver of Possible Defect					13 40
21	Court's Ruling on M/T/Disqualify					16 40
22	Request for Motion for New Trial					17 40
23	Court's Ruling on Request					17 40
24	Adjournment					18 40
25	Certificate of Court Reporter					19 40

MASTER ALPHABETICAL - JURY EMPANELMENT							
	NAME	DX	CX	RDX	RCX	VOIR DIRE	VOL
1							
2							
3	Aguilar, Alicia					73	14
	Aguilar, Alicia					138	14
4	Alarcon, Patricia					254	14
	Alvarado, Elva					150	14
5	Anderson, Eileen					94	14
	Anzaldua, Jenny					269	14
6	Arredondo, Guadalupe					249	14
	Athey, Virginia					240	14
7	Atkinson, Elvia					119	14
	Atkinson, Maria					363	14
8	Atkinson, Martha					416	14
	Baca, Doris					169	14
9	Barbosa, Maria					207	14
	Barrera, Maria					141	14
10	Beauchemin, Denise					213	14
	Berlanga, Ruby					237	14
11	Bressler, Joseph					233	14
	Brown, Livia					202	14
12	Brown, Robert					206	14
	Cabriaes, Mari					57	14
13	Cabriaes, Mari					73	14
	Cadena, Pedro					386	14
14	Cadena, Roland					241	14
	Campbell, Antonia					276	14
15	Campos, Bertha					231	14
	Campos, Juan					199	14
16	Canales, Debra					333	14
	Cantu, Juan					127	14
17	Cantu, Maria T.					278	14
	Cantu, Reynaldo					156	14
18	Cantu, Reynaldo					349	14
	Capetillo, Jaime					67	14
19	Capetillo, Jaime					282	14
	Cardenas, Lucia					379	14
20	Casanova, Iris					182	14
	Castillo, Aida					83	14
21	Castillo, Carolina					80	14
	Castillo, Ernest					88	14
22	Cavazos, David					89	14
	Cestero, Anibel					346	14
23	Chapa, Roberto					187	14
	Chapman, Paul					413	14
24	Chavez, Liliana					104	14
	Colunga, Julio					414	14
25	Contreras, Delia					319	14
	Corker, Irma					296	14

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	Cortez, Janet	71	14
	Crosby, Kevin	257	14
2	Cruz, Cynthia	153	14
	Cruz, Cynthia	380	14
3	Cruz, Erminio	347	14
	Cruz, Manuel	208	14
4	Cruz, Maria	304	14
	Cruz, Maria	352	14
5	Cruz, Rosa	315	14
	De La Cruz, Rosa	225	14
6	De La Fuente, Janet	146	14
	De Leon, Jenny	212	14
7	Degorostiza, Marino	388	14
	Del Fonner, Donna	63	14
8	Dias, Victor	107	14
	Diaz, Gilberto	225	14
9	Diaz, Rozanne	263	14
	Dillon, Vallarie	59	14
10	Dominguez, Jessica	57	14
	Duncan, Roy	382	14
11	Elliff, William	266	14
	Esquivel, Norma	134	14
12	Estrada, Eric	242	14
	Fiscal, Jose	373	14
13	Fisher, Justin	78	14
	Flores, Elvia	234	14
14	Flores, Manuel	412	14
	Flores, Tomas	144	14
15	Galvan, Johnny	403	14
	Gamez, Adolfo	395	14
16	Gamez, Aida	154	14
	Garcia, Agapita	158	14
17	Garcia, Aida	272	14
	Garcia, Christina	220	14
18	Garcia, Erica	127	14
	Garcia, Guadalupe	198	14
19	Garcia, Juan	415	14
	Garcia, Reymundo	355	14
20	Garcia, Rosa	100	14
	Garcia, Rosalinda	149	14
21	Garza, Ashley	55	14
	Garza, Guadalupe	105	14
22	Garza, Michelle	210	14
	Gomez, Adolfo	163	14
23	Gomez, Blanca	142	14
	Gomez, Blanca	350	14
24	Gomez, Jaime	372	14
	Gonzales, Norma	122	14
25	Gonzalez, Agustin	224	14
	Gonzalez, Arturo	306	14

1	Gonzalez, Sandra	125	14
	Goodrich, Zachary	258	14
2	Gowen, Jeffrey	87	14
	Gracia, Noe	183	14
3	Gracia, Noe	394	14
	Guajardo, Tomas	211	14
4	Guerrero, Jose	405	14
	Guest, David	79	14
5	Gutierrez, Eva	140	14
	Haecke, Brandon	193	14
6	Haecke, Brandon	368	14
	Haeke, Brandon	311	14
7	Hariston, Michelle	90	14
	Hernandez, Juanita	72	14
8	Hernandez, Selena	375	14
	Hinojosa, Deanna	170	14
9	Hinojosa, Maria	165	14
	Hinojosa, Raquel	179	14
10	Hinojosa, Raquel	398	14
	Hinojosa, Roberto	369	14
11	Hinojosa, Roberto	383	14
	Hinojosa, Rosa	371	14
12	Hoke, John	261	14
	Hollingsworth, Henry	253	14
13	Hubbard, Blake	358	14
	Hubbard, Michelle	201	14
14	Hubbard, Michelle	204	14
	Huff, Rodney	277	14
15	Ibarra, Ricardo	196	14
	Iracheta, Sara	175	14
16	Izeta, Deborah	235	14
	Jalomo, Jesus	404	14
17	James, Consuelo	81	14
	Jimenez, Norma	117	14
18	Juarez, Evana	91	14
	Judd, Mark	264	14
19	Leal, Michael	173	14
	Leal, Rosita	338	14
20	Ledesma, Edith	221	14
	Leija, Miriam	215	14
21	Leija, Miriam	399	14
	Limon, Reynaldo	176	14
22	Limon, Reynaldo	308	14
	Longoria, Maria	66	14
23	Lopez, Deyanira	139	14
	Lopez, Erica	267	14
24	Lounsbery, Peter	342	14
	Luaces, Madeline	222	14
25	Lucio, Gerardo	217	14
	Maldonado, Gabriela	186	14



1	Martinez, Maria	356	14
	Martinez, Rolando	400	14
2	Martinez, Veronica	245	14
	Martinez, Victoria	248	14
3	Matthews, Gil	167	14
	Matz, Marlo]	390	14
4	Mayfield	244	14
	McNabb, Jennifer	111	14
5	Medina, Maria	178	14
	Mishler, Duane	59	14
6	Moreno, Maria	126	14
	Morgan, Roberta	230	14
7	Narjal Fernando	54	14
	Neblett, Larry	148	14
8	Neblett, Larry	397	14
	Nichols, Diane	172	14
9	Olvera, Victor	377	14
	Ortiz, Alejandria	353	14
10	Perez, Maria	124	14
	Perez, Maria V.	124	14
11	Perez, Samantha	177	14
	Petraitis, Carmela	274	14
12	Ramirez, Carlos	98	14
	Ramirez, Maria E.	239	14
13	Ramirez, Nancy	366	14
	Ramirez, Olga	337	14
14	Randolph, John	85	14
	Randolph, John	385	14
15	Reyes, Alberto	131	14
	Reyes, Alberto	376	14
16	Reyes, Jose	374	14
	Reyes, Rebecca	151	14
17	Reyna, Leticia	243	14
	Rios, Lisa	327	14
18	Rivera, Hector	130	14
	Robinson, Rogenna	367	14
19	Robles, Jesus	181	14
	Robles, Santiago	123	14
20	Rodriguez, Blanca	157	14
	Rodriguez, Carlos	214	14
21	Rodriguez, Diane	226	14
	Rodriguez, Elsa	136	14
22	Rodriguez, Francisco	60	14
	Rodriguez, Maria	82	14
23	Rodriguez, Norma	273	14
	Rodriguez, Rosa	96	14
24	Rodriguez, Sandra	298	14
	Rodriguez, Veronica	101	14
25	Rosa, Brenda De La	115	14
	Rosales, Laura	335	14

Adelaido Flores, Jr.  
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1	Rosales, Nora	195	14
	Ruiz, Yurytzy	162	14
2	Ruiz, Yurytzy	391	14
	Saavedra, Ana	251	14
3	Saavedra, Mario	410	14
	Saccani, Remo	113	14
4	Saladero, Mari	61	14
	Salazar, Dominga	246	14
5	Saldana, Debra	229	14
	Salinas, Nancy	268	14
6	Sanchez, Leslie	407	14
	Sanchez, Maria	75	14
7	Sanchez, Reynaldo	259	14
	Sanchez, Reynaldo	360	14
8	Schiff, Julia	174	14
	Schiff, Julia	392	14
9	Sierra, Elizabeth	185	14
	Silva, Carmen	236	14
10	Silva, Roxanne	210	14
	Singlaterry	159	14
11	Smith, Sally	107	14
	Smith, Susan	212	14
12	Smith-Lingo, Susan	411	14
	Soles, Ken	65	14
13	Solis, Laura	161	14
	Sorreles, Patricia	357	14
14	Spearman, Janett	365	14
	Spearman, Jannett	206	14
15	Stanage, Dane	192	14
	Tamayo, Robert	76	14
16	Tetreau, Jessica	252	14
	Todd, John	271	14
17	Todd, John	408	14
	Torres, Maria	204	14
18	Torres, Vicente	188	14
	Torres, Yolanda	322	14
19	Vargas, Cynthia	323	14
	Velasquez, Irma	103	14
20	Velasquez, Manuel	364	14
	Villalon, Daniel	329	14
21	Villalon, Daniel	381	14
	Whittemore, Maria	228	14
22	Wiles, Donald	112	14
	Wroten, Jennifer	69	14
23	Wuensche, Charles	250	14
	Zamora, Jessica	154	14
24	Zamora, Jessica	194	14
25			

**MASTER ALPHABETICAL INDEX**

**INDIVIDUAL VOIR DIRE**

	<b>NAME</b>	<b>STATE</b>	<b>DEFENSE</b>	<b>VOL</b>
1				
2				
3				
4	Abrego, Eloy	190	207	22
	Aguilar, Anna	247	260	18
5	Alegria, Miguel	50	69	25
	Anderson, William	183	203	27
6	Ayala, Jonathan	123	136	22
	Barbosa, Martha	167		22
7	Bisco, Yolanda	58	83	26
	Bonilla, Yolanda	137		24
8	Brotzman, Donald	61	66	17
	Brotzman, Donald	71		17
9	Brown, Roger	131	149	20
	Cabriaes, Ambrosia	153		17
10	Cadena, Pedro	157	173	20
	Camacho, Christopher	151	164	18
11	Campos, Bertha	118	122	19
	Campos, Juan	172		17
12	Cantu, Juan	266	286	21
	Cardoza, Maricruz	113	135	27
13	Castillo, Julian	145		15
	Castillo, Olivia	167	181	21
14	Cavazos, Ricardo	141		25
	Champion Christopher		132	16
15	Champion, Christopher	118		16
	Chapa, Roberto	140	159	28
16	Conway, C.M.	176	199	15
	Crosby, Kevin	261		25
17	Cruz, Bernabe	59		28
	Cruz, Erminio	49	64	16
18	De La Garza, Luis	81	103	16
	De Leon, Rosaena	193	212	21
19	Dias, Victor	179		22
	Diaz, Gilberto	50		24
20	Elizardi, Belinda	296	313	21
	Elliff, William	163		17
21	Esparza, Luis	234	250	26
	Espinoza, Ernestina	53	74	21
22	Fuentes, Esperanza	104	122	20
	Fuentes, Isabel	109	116	22
23	Galvan, Johnny	167	186	19
	Galvan, Jose	144	160	21
24	Galvan, Nancy	208	232	18
	Gamez, Ana	156		22
25	Garcia, Elida	261		26
	Garcia, Gloria	50	69	27

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Certified Shorthand Reporter

1	Garcia, Guadalupe	205	208	25
	Garcia, Guadalupe	213		25
2	Garcia, Sylvia	50	66	19
	Garza, Alexandria	191		20
3	Garza, Guadalupe	272		26
	Garza, Joe	49	52	17
4	Garza, Mike	226		25
	Garza, Mike C.		246	25
5	Gomez, David	101	119	24
	Gonzalez, Emma	110	127	17
6	Gonzalez, Emma	142		17
	Gonzalez, Rolando	101	121	23
7	Guajardo, Eladio	64	89	24
	Gutierrez, Roberto	117	126	25
8	Gutierrez, Roberto	134		25
	Haley, Jeffrey	169	189	25
9	Hernandez, Maricela	171	184	28
	Houston, Herbert	214		27
10	Huff, Florence	187	214	26
	Jidestig, Maud	160		25
11	Jimenez, Guadalupe	173	194	18
	Jones, Donald	182		20
12	Korab, Maria	332		21
	Lopez, Erica	152		15
13	Lopez, Minerva	104		26
	Loya, Paulina	94		22
14	Lozano, Juan	50		28
	Luna, Guadalupe	147		27
15	Luna, Guadalupe, Jr.		169	27
	Mares, Jose	91	100	21
16	Marroquin, Graciela	61	82	23
	Mason, Teresa M.	110	130	15
17	Mata, Pablo	80	96	17
	Matthews, Gil	50	54	23
18	Mendoza, Ana	269		28
	Mendoza, Mark	50		26
19	Mireles, Kimberly	94		28
	Molina, Emma	50	66	29
20	Morgan, Roberta	82	94	18
	Najera, Alonzo	76	94	19
21	Navarro, Irma	51	63	18
	Olivarez, Roy	94		26
22	Ortega, Susan	129		28
	Parras, Diana	146	150	16
23	Perez, Fernando	102	114	18
	Poland, Constance	79	105	25
24	Quintanilla, Melissa	49	64	20
	Ramos, Ramiro	82	98	27
25	Reyna, Laura	135	158	23
	Reyna, Leticia	180	189	17

Adelaido Flores, Jr.  
Certified Shorthand Reporter

1	Rivera, Leonardo	74	94	20
	Rivera, Maria	161	165	24
2	Robertson, Neil	133	159	19
	Robles, Santiago	158	177	26
3	Rodriguez, Diana	197		19
	Rodriguez, Ernesto	177		24
4	Rubalcava, Minerva	254		28
	Russell, Phebe	200		23
5	Saldivar, Alejandro	125	139	18
	Salinas, Patricia	226	253	15
6	Sanchez, Leslie	151		25
	Sandoval, Israel	205	221	28
7	Sandoval, Jorge Jr.	65	88	15
	Sandoval, Jorge Jr.	103		15
8	Sandoval, Maria	231	235	28
	Sandoval, Maria	239		28
9	Smith, Karen	115	131	21
	Smith, Sally	132	147	26
10	Soto, Ernestina	49	74	22
	Torres, Beatriz	171	191	23
11	Torres, Yolanda	170		15
	Trevino, David	147		24
12	Trevino, Jose	209		23
	Trevino, Yolanda	224	244	21
13	Villarreale, Eric	185	200	16
	Walker, Forrest	158	171	16
14	Weaver, Richard	72	84	28
	Wiles, Donald R.	218		15
15	Woodall, John	221	240	23
	Wooton, Mary	188	209	24
16	Zuniga, Leonel	284	297	18

17  
18  
19  
20  
21  
22  
23  
24  
25

MASTER ALPHABETICAL - JURY TRIAL WITNESSES							
	NAME	DX	CX	RDX	RCX	VOIR DIRE	VOL
1	Anaya, Wendy	87	91				37
2	Borrego, Carlos J.	115	127			120	37
3	Castillo, Alfonsa	92	105				37
4	Chavez, Sonia V.	93	100	111	114		35
5	Cruz, Rebecca	24				36	32
6	Cruz, Rebecca	88					32
7	Cruz, Rebecca	4	16	47	54		33
8	Escalon, Victor	108	126	133	136		33
9	Escalon, Victor			138			33
10	Estrada, Joanne	11					30
11	Estrada, Joanne	163	178				33
12	Estrada, Joanne	145	150	35	184	172	35
13	Estrada, Joanne	154	177	182			
14	Estrada, Joanne	39	67	78	80		37
15	Farley, Norma J. MD	5	52	58		43	34
16	Farley, Norma J. MD					44	
17	Farley, Norma J. MD	149					37
18	Kuri, Jose MD	3	9	14			35
19	Kuri, Jose MD	19	44	85			35
20	Mendiola, Robert	74	78				33
21	Mendoza, David	96					33
22	Merrillet, A.P.	11	31	37	38		37
23	Nester, Randall	80	94				33
24	Palafox, Jaime	63	71	72			33
25	Pinkerman, John E.	194					35
	Pinkerman, John E.	60	81	133	135		38
	Pinkerman, John E.			136			38
	Pinkerman, John E.	101		178			38
	Thompson June	128	138	144			37
	Vargas, Alfredo MD	69	79	86	87		32

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1							
2	Villanueva, Norma	128	130				35
	Villanueva, Norma	141					35
3	Villanueva, Norma	215	45				
	Villanueva, Norma	173	219				37
4	Villanueva, Norma		3	55	57		38
	Villarreal, Javier	143	155			151	33
5	Zavala, Luis	12					31
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							

**MASTER INDEX OF JURY TRIAL EXHIBITS**

COURT'S EXHIBIT 1 - (TO BE INCLUDED IN CLERK'S TRANSCRIPT)

COURT'S EXHIBIT 2 - (TO BE INCLUDED IN CLERK'S TRANSCRIPT)

**INDEX OF EXHIBITS**

**STATE'S EXHIBITS:**

NO.	DESCRIPTION	OFFERED	RECEIVED	VOL
1	Miranda Warning	29	30	32
2	Photo-Victim	36	40	32
3	Disk 1 - Statement	48	54	32
4	Disk 2 - Statement	48	54	32
5	Disk 3 - Statement	48	54	32
6	Photo-Child	72	72	32
7	Photo-Child	72	72	32
8	Photo-Child	72	72	32
9	Photo-Child	72	72	32
10	Photo-Child	72	72	32
11	Photo-Child	72	72	32
12	Photo-Child	72	72	32
13	Photo-Vehicle	9	9	33
14	Photo-Madison Complex	9	9	33
15	Photo-Lee Strt. Apts.	9	9	33
16	Photo-Coke can	11	11	33
17	Photo-Baking Soda	11	11	33
18	Photo-Burnt Coke Can	11	11	33
19	Photo-Paraphernalia	11	11	33
20	Photos-Family	14	14	33
21	Photos-Celebs. & Family	14	14	33
22	Farley's CV	7	7	34
23	Photo-Deceased child	13	13	34
24	Photo-Deceased Child	13	13	34
25	Photo-Deceased child	13	13	34
26	Photo-Deceased Child	13	13	34
27	Photo-Deceased Child	13	13	34
28	Photo-Deceased Child	13	13	34
29	Photo-Deceased Child	13	13	34
30	Photo-Deceased Child	13	13	34
31	Photo-Deceased Child	13	13	34
32	Photo-Deceased Child	13	13	34
33	Photo-Deceased Child	13	13	34
34	Photo-Deceased Child	13	13	34
35	Photo-Deceased Child	13	13	34
36	Farley's Autopsy Report	39	46	34
37	** Medical Demo 1	48	48	34
38	** Medical Demo 2	48	48	34

Adelaido Flores, Jr.  
Certified Shorthand Reporter



1 39 \*\* Medical Demo 3 48 48 34  
 2 40 Pediatric Docum. 52  
 3 41 Affidavit/De La Garza 185 185 35

4 \*\* - Were Used As Demonstrative Exhibits Only For Trial

#### 5 INDEX OF EXHIBITS

#### 6 STATE'S EXHIBITS:

7 NO. DESCRIPTION OFFERED RECEIVED VOL  
 8 42 Jail Records-Lucio 90 90 37  
 9 44 Therapy Notes 25  
 10 45 Pinkerman's Report 114 114 38

#### 11 INDEX OF EXHIBITS

#### 12 DEFENDANT'S EXHIBITS:

13 NO. DESCRIPTION OFFERED RECEIVED VOL  
 14 1 Photo-Stairway 45 45 33  
 15 2 Photo-Stairway 45 45 33  
 16 3 Photo-Stairway 133 133 33

17 NO. DESCRIPTION OFFERED RECEIVED VOL  
 18 4 Kuri's Forensic Docum. 13 13 35  
 19 5 Kuri's Forensic Cert. 13 13 35  
 20 6 Photo-Deft. & Grandma 98 99 35  
 21 7 Photo-Dft.w/Dad 98 99 35  
 22 8 Deft./Wedding 98 99 35  
 23 9 Photo- Deft.w/Grandma 98 99 35  
 24 10 Photo-Deft./W Gparents. 98 99 35  
 25 11 Photo-Deft. as child 98 99 35  
 12 Photo-Dft. (as a child) 98 99 35

#### 21 INDEX OF EXHIBITS

#### 22 DEFENDANT'S EXHIBITS:

23 NO. DESCRIPTION OFFERED RECEIVED VOL  
 24 13 \*Villanueva's CV 143 144 35  
 25 14 \*CPS Case History 143 144 35  
 15 \*CPS Investigation/Lucio 143 144 35  
 16 \*CPS Info/Melissa 143 144 35

1 17 \*CPS Info/Mariah 143 144 35  
 2 18 \*CPS Info/ 143 144 35

3 \* - ALL OF THESE EXHIBITS WERE ADMITTED UNDER THE BILL OF  
 4 PARTICULARS NO. 1

6 **INDEX OF EXHIBITS**

7 **DEFENDANT'S EXHIBITS:**

8 NO.	DESCRIPTION	OFFERED	RECEIVED	VOL
9 19	Incid. Illness Report	168	169	35
20	Monthly Logs/P.4	168	169	35
10 21	3/28/06 Home Visit	168	169	35
22	Maria's Behavior Letter	174	174	35
11 23	Medical Records/Mariah	176	176	35
12 24	* Pinkerman's CV	196	196	35

12 **INDEX OF EXHIBITS**

13 **DEFENDANT'S EXHIBITS:**

14 NO.	DESCRIPTION	OFFERED	RECEIVED	VOL
15 25	CPS Drug Tests	78	78	37
16 26	CPS Case History	78	78	37
17	* - BILL OF PARTICULARS NO. 2.			

1 THE STATE OF TEXAS:


2 COUNTY OF HIDALGO:

3 CERTIFICATE OF COURT REPORTER

4 I, ADELAIDO FLORES, JR, Official Court Reporter in  
5 and for the 430th Judicial District Court of Hidalgo  
6 County, State of Texas, do hereby certify that the above  
7 and foregoing contains a true and correct transcription of  
8 all portions of evidence and other proceedings requested  
9 in writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record, in the  
11 above-entitled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of the  
14 proceedings truly and correctly reflects the exhibits, if  
15 any, admitted by the respective parties.

16 WITNESS MY OFFICIAL HAND on this the 13th day of  
17 July, 2009.

18   
19 ADELAIDO FLORES, JR., Texas CSR  
20 Official Court Reporter  
21 430th District Court  
22 111 SO. 9th Street  
23 Edinburg, Texas 78539  
24 (956) 318-2900  
25 Certificate No. 1117  
Expiration Date: 12/31/10

Adelaido Flores, Jr.  
Certified Shorthand Reporter